

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1, 3-8, 10, and 12-17 were pending in this application. Claims 1 and 10 have been amended and no claims have been cancelled or added. Accordingly, claims 1, 3-8, 10, and 12-17 will remain pending herein upon entry of this Amendment. Support for the amendment to the claims can be found at least at, for example, page 12, lines 17-23, page 13, line 24 through page 14, line 10, and page 14, lines 12-23 and Figure 2. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action mailed, claims 1, 5, 10 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596; hereinafter referred to as "Wiser") in view of Gongwer et al. (U.S. Patent 6,138,120) in view of Speicher (U.S. Pub. 2004/0260792) further in view of Pallakoff (U.S. Patent 6,269,343). Claims 6 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Gongwer et al., in view of Speicher further in view of Pallakoff, further in view of Sauerwine (U.S. Patent 5,421,620) and further in view of Cameron (U.S. Patent 6,685,094). Claims 7-8 and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser, in view of Gongwer et al., in view of Speicher, further in view of Pallakoff and further in view of Vigneaux et al. (U.S. Patent 5,852,435). To the extent these rejections might still be applied to claims presently pending in this application, they are respectfully traversed.

Claims 1 and 10 have been amended to include the features of “querying the client as to whether the encoded media program is to be deleted, hosted, or transmitted” and “wherein the hosting server is selected, based on the selected encoding format, from a group of dedicated hosting servers each hosting a different type of encoding format, and wherein the client is enabled to choose a hosting server that is maintained by an entity different from that which encodes the media program.” The cited references, alone or in combination, do not disclose, teach, or suggest these features and claims 1 and 10 are therefore patentable.

Wiser relates to a music distribution system in which authors produce media data files that are published and distributed by the distribution system in a predetermined encoding format. The system is focused on facilitating a secure transaction between a purchaser or pre-viewer of media files and the file hosting service. The role of the authors is small and is explained in col. 10, lines 50-58 of Wiser. Neither the authors nor the media purchasers can properly be considered to be the “client” as claimed in claims 1 and 10 for at least the detailed reasons set forth in the Request for Reconsideration filed February 3, 2006.

In addition to those reasons, the present amendments further define the process and the role of the client such that the system of Wiser is even further inapplicable for the purposes alleged by the Examiner. That is, Wiser does not disclose, suggest, or teach querying the client as to whether the media program is to be deleted, hosted, or transmitted. In the system of Wiser, it is described that authors use the authoring tools to create the master media data files that are to be delivered over the network for publishing. There is never an opportunity or purpose to query the authors as to whether they wish to delete, host, or transmit the files since the files are

delivered in their master form to the content manager of the distribution system. At the least, such a query is simply not disclosed. Media purchasers cannot be considered to be the claimed client because they are likewise not queried as to whether a media program is to be deleted, hosted, or transmitted. Purchasers are not given the authority to control the materials hosted by the content manager.

Further, authors in the system of Wiser have no control over the encoding format used to encode the media data files produced. Wiser does not describe provisions for accommodating different encoding formats that are selected by a client. Therefore, the hosting server of Wiser is not selected based on a selected encoding format, and is not among a group of dedicated servers each hosting files of different types of encoding formats.

Claims 1 and 10 further recite that a client is enabled to choose a hosting server that is maintained by an entity different from that which encodes the media program. This feature is not disclosed, taught, or suggested by Wiser as neither the author nor the purchaser have a choice as to where any media files will be hosted.

Gongwer discloses a system for sharing server sessions across multiple clients wherein originating clients can provide access to other clients. Gongwer does not, however, cure the deficiencies of Wiser including, but not limited to, querying a client, hosting on a format-dedicated server, and enabling a client to choose a foreign hosting server.

Speicher discloses an integrated audiotext-internet personal ad service using various encoding formats. Speicher also does not cure the deficiencies of Wiser including, but not

limited to, querying a client, hosting on a format-dedicated server, and enabling a client to choose a foreign hosting server.

Pallakoff discloses an online marketing system and method that includes provisions for offering services for sale over the internet. Pallakoff also does not cure the deficiencies of Wiser including, but not limited to, querying a client, hosting on a format-dedicated server, and enabling a client to choose a foreign hosting server.

Claims 3-8 and 12-17 are patentable over Wiser, Gongwer, Speicher, and Pallakoff at least by virtue of their dependency from claims 1 and 10 and for the additional features recited therein.

For at least the foregoing reasons and those incorporated by reference to the Request for Reconsideration of February 3, 2006, the claims are patentable over the cited references. Further, while it is appreciated that courts have held that the number of references used in obviousness rejections alone has no bearing on the propriety of the rejections, Applicants respectfully submit that references used in the currently outstanding rejections do not disclose each of the claimed limitations and that, further, there is simply no motivation or suggestion to combine them to arrive at the claimed invention. Applicants respectfully request the Examiner to reevaluate the rejection to determine whether there is truly motivation to string each of the cited references together in such a manner.

Serial No.: 09/502,627
Art Unit: 2174

Attorney's Docket No.: LET-103-R2
Page 14

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

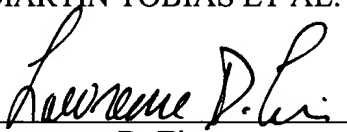
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Respectfully submitted

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Attachments: None

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